

1 Roger W. Hall (SBN: 013727)
BUCHALTER NEMER
2 16435 North Scottsdale Road, Suite 440
Scottsdale, AZ 85254-1754
3 Telephone: (480) 383-1800
Fax: (480) 824-9400
4 E-mail: rhall@buchalter.com
Attorneys for Adversary Plaintiff
5 *Key Bank, N.A.*

6
7 **IN THE UNITED STATES BANKRUPTCY COURT**
8 **FOR THE DISTRICT OF ARIZONA**

9 In re:

10 ZARIFA AZIZI NAIM,

11
12 Debtor,
13 -----

14 KEY BANK, N.A.,

15 Plaintiff,

16 -vs-

17 ZARIFA AZIZI NAIM,

18 Defendant.

Chapter 7

No. 2:11-bk-26638-RJH

Adv. No.: 2:12-ap-00035-RJH

**MOTION FOR EXPEDITED RULE 16
PRETRIAL CONFERENCE**

19
20 Adversary plaintiff Key Bank, N.A., pursuant to Bankruptcy Rule 7016, hereby
21 moves this Court for an expedited pretrial conference. As described in more detail below,
22 Key Bank seeks an expedited hearing because the date for the evidentiary hearing is
23 approaching and Key Bank does not wish to incur the expense of flying a witness in from
24 Ohio if the hearing is not going to proceed or not going to proceed properly. If the Court
25 is inclined to set a hearing the week of July 15, counsel requests that the hearing not be on
26 July 18, as he is in depositions that day.

K5246.0099 BN 14436561v1

1 On May 14, 2013, this Court issued an order permitting the attorney for
2 debtor/adversary defendant Zarifa Azizi Naim to withdraw as counsel (docket no. 31). It
3 has now been nearly two months, and no new attorney has made an appearance.

4 Also on May 14, this Court issued an order re-setting the evidentiary hearing in this
5 matter for 2:00 on August 5. Key Bank is prepared to go forward with the scheduled
6 hearing. It will, however, need to fly a witness in from Ohio to testify. Key Bank,
7 Understandably, Key Bank does not wish to fly a witness in, thus incurring expenses for
8 airfare, lodging, and meals, if Naim is not going to appear or does not intend to properly
9 participate in the evidentiary hearing or the pretrial proceedings. And with no phone
10 number or e-mail information for Naim, Key Bank has no way of contacting her—other
11 than regular mail—to find out whether the scheduled hearing will serve its intended
12 purpose.

13 If Naim is not planning to appear or participate properly in the process, Key Bank
14 will simply move for permission, under Bankruptcy Rule 7056, to file a motion for
15 summary judgment and dispose of this matter without having to fly a witness in.

16 DATED this 15th day of July, 2013.

17 BUCHALTER NEMER

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19 By: /s/ Roger W. Hall

20 Roger W. Hall
21 16435 North Scottsdale Road, Suite 440
22 Scottsdale, AZ 85254-1754
23 *Attorneys for Adversary Key Bank, N.A.*
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1 ORIGINAL filed with the Court this 15th day of July, 2013,
2 COPY of the foregoing sent via U.S. Mail to:

3 Ms. Zarifa Azizi Naim
4 5854 E. Harmony
5 Mesa, Arizona 85206
6 *Debtor/Adversary*
7 *Defendant Pro Se*

8 Trustee
9 Mr. Anthony H. Mason
10 P.O. Box 4427
11 Phoenix, Arizona 85030-4427

12 /s/ Cathy C. Bohnsack
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